

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1 and 16-18 have been amended.

No new matter is being presented, and approval of the amended claims is respectfully requested.

Entry and reconsideration of the claims is respectfully requested, because it is believed that the claim amendments clarify the patentably distinguishing features of the present invention and should not entail any further search by the Examiner since no new features are being added or no new issues are being raised. Further, the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS OF CLAIMS 17 AND 18 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

On page 2 of the Office Action, the claims 17 and 18 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the phrase "the corresponding predetermined job" in line 4 of claim 17 lacked antecedent basis.

Claims 17 and 18 are amended herein to include appropriate antecedent bases and to particularly point out and distinctly claim the subject matter of the invention. Therefore, it is respectfully submitted that the rejection is traversed and should be withdrawn.

REJECTIONS OF CLAIMS 1-18 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER DEVINS (U.S. PATENT NO. 6,762,761)

The rejections of claims 1-18 are respectfully traversed and reconsideration is requested.

In Devins, captured programs are generated and stored in a memory. A graphics processor fetches instructions in a captured program and sends them to a graphics accelerator, which executes the instructions to perform graphics operations. A captured program may include instructions causing the graphics process to monitor the status information in a status register, and delay sending the instructions to the graphics accelerator until specified status information is present. (See column 2, lines 32-52).

On the other hand, in the present invention as recited in amended independent claims 1, 16 and 17, a predetermined operation status of a computer system is recognized, depending on whether a file corresponding to the predetermined operation status exists within the memory section or not; and the operation of the operating system is controlled in accordance with a result of the recognition, thereby automatically starting a job, *determined based on the recognized predetermined operation status*, that can be executed in the operation status of the system after the operation status has been recognized.

Furthermore, independent claims 1, 16 and 17 are amended herein to clarify that the "operation status" of the present invention represents what process is currently under execution. On the other hand, as stated by the Examiner on page 3 of the Office Action, Devins discusses merely sequences of computer-executable instructions (citing column 4, line 1).

In addition, in Devins, status information relates to a plurality of graphics operations performed by the graphics accelerator 30. It does not relate to various operation statuses of a computer system, as recited in claim 1.

Therefore, it is respectfully submitted that Devins does not teach or even suggest the features of independent claims 1, 16 and 17, as described above.

Dependent claims 2-15 and 18 depend from independent claims 1 and 17 and inherit the patentable features thereof. Thus, it is respectfully submitted that claims 2-15 and 18 also patentably distinguish over Devins.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10\073,595

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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